

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

PAMELA GIST,

Plaintiff,

v.

CENTENE MANAGEMENT COMPANY,
LLC,

Defendants.

Case No. 4:21CV562 RLW

MEMORANDUM AND ORDER

Plaintiff filed this action pro se in St. Louis County Circuit Court, State of Missouri, on or around March 29, 2021. (ECF No. 5). This action was removed to this Court on May 14, 2021. (ECF No. 1). On May 20, 2021, Defendant Centene Management Company, LLC filed a Motion to Dismiss (ECF No. 8). On June 11, 2021, Plaintiff filed a Motion to Remand (ECF No. 14), a Motion for Extension of Time to Find Counsel (ECF No. 15), and a Motion for Appointment of Counsel (ECF No. 16). On June 14, 2021, the Court issued a Show Cause Order, requiring Plaintiff to file a response to Defendant's Motion to Dismiss no later than June 25, 2021. (ECF No. 18).

A. Motion for Extension of Time to Find Counsel (ECF No. 15)

Plaintiff asks for an extension of time of some of the deadlines in this case to allow her to find representation. The Court grants an extension of fifteen (15) days to allow Plaintiff to find an attorney. The Court, therefore, extends the deadline for Plaintiff to shall show cause, in writing, as to why she has not provided her response to Defendant's Motion to Dismiss. Plaintiff shall file her response to the show cause order and her memorandum in opposition to Defendant's

Motion to Dismiss no later than **July 16, 2021**. Failure to do so will result in the Court ruling on Defendant's unopposed Motion to Dismiss and/or possible dismissal of this action for failure to prosecute.

B. Motion for Appointment of Counsel (ECF No. 16)

There is no constitutional or statutory right to appointed counsel in a civil case. *Nelson v. Redfield Lithograph Printing*, 728 F.2d 1003, 1004 (8th Cir. 1984). In determining whether to appoint counsel, courts consider factors that include whether the plaintiff has presented non-frivolous allegations supporting his prayer for relief, whether the plaintiff will substantially benefit from the appointment of counsel, whether there is a need to further investigate and present the facts related to the plaintiff's allegations, and whether the factual and legal issues presented by the action are complex. *See Battle v. Armontrout*, 902 F.2d 701, 702 (8th Cir. 1990); *Johnson v. Williams*, 788 F.2d 1319, 1322-23 (8th Cir. 1986); *Nelson*, 728 F.2d at 1005.

After considering Plaintiff's Motion for Appointment of Counsel, in view of the relevant factors, the Court finds that the facts and legal issues presented in the instant case are not so complex as to warrant the appointment of counsel at this time. In addition, the pleadings filed by Pamela Gist, indicate that she is capable of presenting the facts and legal issues without the assistance of counsel. Plaintiff's Motion for Appointment of Counsel will therefore be denied.

Accordingly,

IT IS HEREBY ORDERED that Plaintiff's Motion for Extension of Time to Find Counsel (ECF No. 15) is **GRANTED**, in part. Plaintiff shall file her response to the show cause order and her memorandum in opposition to Defendant's Motion to Dismiss no later than **July 16, 2021**. Failure to do so will result in the Court ruling on Defendant's unopposed Motion to Dismiss and/or possible dismissal of this action for failure to prosecute.

IT IS FURTHER ORDERED that Plaintiff's Motion for Appointment of Counsel (ECF No. 16) is **DENIED**, without prejudice.

Dated this 16th day of June, 2021.



RONNIE L. WHITE
UNITED STATES DISTRICT JUDGE